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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,521	02/09/2004	Sam Nemazie	SiliconStor-02US	1050

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LAW OFFICES OF IMAM
111 N. MARKET STREET, SUITE 1010
SAN JOSE, CA 95113

EXAMINER	
LEE, CHUN KUAN	

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
02/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/775,521	**Applicant(s)** NEMAZIE, SAM	
	Examiner Chun-Kuan (Mike) Lee	**Art Unit** 2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1, 4-19, 22-32 and 35-43*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Please see Continuation Sheet below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

ALFORD KINDRED
SUPERVISORY PATENT EXAMINER

Applicant's arguments filed 01/28/2008 have been fully considered but they are not persuasive.

In response to applicant's arguments (on page 9, 3rd paragraph and page 10, 3rd paragraph, regarding claims 1, 4, 6-14, 18-19, 22-32 and 35-43 rejected under 35 U.S.C. 103(a), the applicant appear to argue that the Grieff and Utsunomiya are nonanalogous because one reference teaches the utilization of SATA while the other teaches the utilization of PATA, therefore redesign of Grieff would be necessary; applicant's arguments have fully been considered, but are not considered to be persuasive.

As stated in the preceding Final office action, please note that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Grieff and Utsunomiya are analogous art because the references are in the field of applicant's endeavor, which is associated with the utilization of ATA standard technology, wherein Grieff is utilizing SATA and Utsunomiya is utilizing PATA, and it is well know to one skill in the art that SATA is the result of technology advancement in PATA (ATA). Furthermore, the references are reasonably pertinent to the particular problem with which the applicant was concerned as Grieff teaches the implementation of a SATA switch for connecting a plurality of hosts to a peripheral device (Grieff, Fig. 1) and Utsunomiya teaches the implementation of a task file queue, wherein the task file queue enables a host to issue a plurality of commands to a peripheral at the same time even when the peripheral is busy (i.e. at any give time) (Utsunomiya, [0005]-[0008] and [0020]-[0024]).

In response to applicant's arguments (on page 9, last paragraph to page 10, 1st paragraph) regarding independent claims 1, 18 and 31 rejected under 35 U.S.C. 103(a), applicant appears to be arguing that the combination of references do not teach/suggest every claimed limitation because Grieff does not teach storage device and Utsunomiya does teach a switch; applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Both Grieff and Utsunomiya do teach the storage device (Grieff, col. 2, ll. 59-60 and Utsunomiya, [0004]) and Grieff teaches the switch (Grieff, Fig. 1).

In response to applicant's arguments (on page 9, last paragraph to page 10, 1st paragraph) regarding independent claims 1, 18 and 31 rejected under 35 U.S.C. 103(a), applicant appears to be arguing that the combination of references do not teach/suggest every claimed limitation because there is no disclosure regarding task file or any type of storage queuing device being placed prior to the switch in Grieff; applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner respectfully disagrees, Utsunomiya teaches that from the perspective of the computer, the computer can issue a plurality of commands at the same time, wherein such implementation is enable by buffering the plurality of commands in the task file queue (Utsunomiya, Fig. 4-5 and [0023].Therefore, when combining Utsunomiya with Grieff, the resulting combination would require the task file queue to be prior to the switch (Grieff, Fig. 1) in Grieff; more specifically, before the arbiter (Grieff, Fig. 1, ref. 112) in the switch, because if the task file queue is place after the arbiter, Utsunomiya's teaching of the computer being able to issue a plurality of commands at the same time would not be enabled, as arbitration would be needed.

In response to applicant's arguments (on page 10, 2nd paragraph) regarding independent claims 1, 18 and 31 rejected under 35 U.S.C. 103(a), applicant appears to be arguing that the combination of references would not work because Grieff's ports are Link Layer ports, therefore, the task file queue (which is at the application layer) of Utsunomiya can not be place in Grieff's Link Layer ports; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, because it appears there is no disclosure by Grieff that Grieff's ports only be implemented as Link Layer ports and can not be implemented as Application Layer ports.

In response to applicant's arguments (on page 10, 4th paragraph) regarding claim 4 rejected under 35 U.S.C. 103(a) that the combination of references does not include a "device task file"; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, as Utsunomiya does teach "device task file" (Fig. 4-5).

With regard to the amendments made to claims 22 and 35, the amendments do not change the examiner's position or the current rejection of record.

In responding to all applicant's arguments, the examiner will maintain his position and the current rejection of record.